

**S.R. 788** - By Glasgow: Extending welcome to Sharon Lannen.

**S.R. 789** - By Glasgow: Extending welcome to Teresa Carter.

**S.R. 790** - By Glasgow: Extending welcome to Charles Katlic.

**S.R. 794** - By Williams: Extending welcome to Miss Laura Brooks and Mr. Stacy Conaway.

#### **RECESS**

On motion of Senator Mauzy the Senate at 5:30 o'clock p.m. took recess until 8:00 o'clock a.m. tomorrow.

#### **APPENDIX**

Sent to Governor  
(May 29, 1981)

<b>S.B. 132</b>	<b>S.B. 402</b>
<b>S.B. 232</b>	<b>S.B. 592</b>
<b>S.B. 441</b>	<b>S.B. 619</b>
<b>S.B. 604</b>	<b>S.B. 630</b>
<b>S.B. 913</b>	<b>S.B. 648</b>
<b>S.B. 955</b>	<b>S.B. 753</b>
<b>S.B. 1021</b>	<b>S.B. 763</b>
<b>S.B. 1055</b>	<b>S.B. 779</b>
<b>S.B. 1215</b>	<b>S.B. 863</b>
<b>S.B. 29</b>	<b>S.B. 865</b>
<b>S.B. 242</b>	<b>S.B. 1024</b>
<b>S.B. 298</b>	<b>S.B. 359</b>

Sent to Comptroller  
(May 29, 1981)

**S.B. 730**

**EIGHTY-FIRST DAY**  
(Continued)  
(Saturday, May 30, 1981)

#### **AFTER RECESS**

The Senate met at 8:00 o'clock a.m. and was called to order by Senator Blake.

**REPORTS OF STANDING COMMITTEES**

By unanimous consent, Senator Harris submitted the following report for the Committee on Economic Development:

H.B. 213  
H.B. 539 (Amended)  
H.B. 245 (Amended)  
H.B. 2011  
H.B. 1689 (Amended)  
H.B. 1614  
H.B. 1615  
H.B. 1995  
H.B. 347 (Amended)  
H.B. 2188  
C.S.H.B. 306 (Read first time)

By unanimous consent, Senator Jones submitted the following report for the Committee on Finance:

H.B. 2311  
H.B. 1791  
H.B. 623  
H.B. 504

By unanimous consent, Senator Traeger submitted the following report for the Committee on Intergovernmental Relations:

H.B. 2387  
S.R. 791  
H.B. 1646  
H.B. 2385  
H.B. 2336  
H.B. 211

**BILLS SET AS SPECIAL ORDER**

On motion of Senator Mauzy and by unanimous consent, all bills and resolutions on the Local and Uncontested Bills Calendar are set as Special Order for Saturday, May 30, 1981, and are to be considered in the order in which they are placed on the Local and Uncontested Bills Calendar placed on Members' desks.

**LOCAL AND UNCONTESTED BILLS CALENDAR**

The Presiding Officer (Senator Blake in Chair) announced that the time had arrived for the consideration of the Local and Uncontested Bills Calendar in accordance with the provisions of S.R. 148.

The following bills were laid before the Senate, read second time, amended where applicable, passed to engrossment, read third time and passed: (Sponsor, vote on Constitutional Three-Day Rule and final passage indicated after caption of each bill)

**S.B. 772 (Andujar)** Relating to applications for a ballot to be voted absentee and providing for penalties. (31-0) (31-0)

Senator Andujar offered the following committee amendment to the bill:

Amend **S.B. 772** by adding Sections 2-4 to read as follows:

**SECTION 2.** Section 84.005(a), Election Code, as enacted by Senate Bill 610, 67th Legislature, Regular Session, 1981, is amended to read as follows:

(a) A person, other than the absentee voting clerk or deputy absentee voting clerk, commits an offense if, in the same election, the person signs more than five ~~an~~ absentee ballot applications ~~application~~ in assistance to applicants ~~more than one applicant~~ who are ~~is~~ unable to sign for themselves. ~~himself~~.

**SECTION 3.** If Senate Bill 610, 67th Legislature, Regular Session, 1981, enacting an election code, becomes law, Section 2 of this Act takes effect January 1, 1982, at which time Section 1 of this Act ceases to be effective. If Senate Bill 610 does not become law, Section 2 of this Act does not take effect.

**SECTION 4.** The importance of this legislation and the crowded condition of the calendars in both houses create an emergency and an imperative public necessity that the constitutional rule requiring bills to be read on three several days in each house be suspended, and this rule is hereby suspended.

The committee amendment was read and was adopted.

On motion of Senator Andujar and by unanimous consent, the caption was amended to conform to the body of the bill as amended.

**H.C.R. 132 (Brooks)** Commending the Texas Advocates for its work supporting the rights of mentally retarded persons. (vv)

**H.C.R. 138 (Parker)** Relating to adoption of Model Hurricane Evacuation Plan. (vv)

**H.B. 181 (Brown)** Relating to the redesignation of the Texas Maritime Academy and Moody College of Marine Sciences and Maritime Resources as Texas A&M University at Galveston. (31-0) (31-0)

**H.B. 428 (Snelson)** Relating to short form acknowledgements. (31-0) (31-0)

**H.B. 471 (Blake)** Relating to the application of the Uniform Wildlife Regulatory Act to the wildlife resources in Shelby County. (31-0) (31-0)

**H.B. 599 (Caperton)** Relating to cab card and other identification for motor carriers. (31-0) (31-0)

**H.B. 693 (Santiesteban)** Relating to the purchase of freshwater fish by wholesale and retail fish dealers. (31-0) (31-0)

**H.B. 707 (Brooks)** Relating to persons authorized to conduct a marriage ceremony. (31-0) (31-0)

**H.B. 870 (Glasgow)** Relating to investments in improved income producing property by life insurance companies. (31-0) (31-0)

**H.B. 900** (Travis) Relating to notification to an insurer that an insurance premium is being financed and provisions relating to return of unearned premiums. (31-0) (31-0)

Senator Travis offered the following committee amendment to the bill:

Amend Article 24.17(f) in Section 2 of **H.B. 900** by adding the following in quoted Article 24.17(f):

Provided, however, the insurer may deduct from the unearned premiums returned directly to the premium finance company the amount of unearned commissions due from the agent or agency writing the insurance if the insurer notifies such agent or agency that such unearned commissions should be returned to the premium finance company. The insurer except for the Texas Catastrophe Property Insurance Association, the Texas Automobile Insurance Plan and the Texas Medical Liability Insurance Underwriting Association shall be liable for the return of unearned commission to the premium finance company if the agent has not returned the same to the premium finance company within 120 days after the agent has been notified of the cancellation.

The committee amendment was read and was adopted.

On motion of Senator Travis and by unanimous consent, the caption was amended to conform to the body of the bill as amended.

**H.B. 931** (Richards) Relating to width requirements of certain vehicles used to haul agricultural products. (31-0) (31-0)

**H.B. 1020** (Caperton) Relating to the issuance of interest-bearing time warrants by a school district. (31-0) (31-0)

**H.B. 1061** (Mengden) Relating to employee benefit plans for employees of State banks. (31-0) (31-0)

**H.B. 1112** (Brooks) Relating to the creation of the Texas Department on Aging. (31-0) (31-0)

**H.B. 1144** (Ogg) Relating to close corporations. (31-0) (31-0)

**H.B. 1396** (Ogg) Relating to a recount of ballots in an election on a measure. (31-0) (31-0)

**H.B. 1403** (Meier) Relating to notice of the drawing to determine the order of candidates' names on the ballot for certain elections. (31-0) (31-0)

**H.B. 1420** (Jones) Relating to granting the Texas Workers' Assigned Risk Pool authority to endorse its policies to provide coverage for an insured's out of state operations. (31-0) (31-0)

**H.B. 1451** (Jones) Relating to provision for issuance by an insurer of a prescribed certificate in lieu of a prescribed policy and issuance of a prescribed policy upon demand. (31-0) (31-0)

**H.B. 1487** (Doggett) Relating to exceptions to the requirement that elections be held on uniform dates. (31-0) (31-0)

**H.B. 1488** (Doggett) Relating to the penalty for violating campaign reporting and disclosure laws by a candidate. (31-0) (31-0)

**H.B. 1521** (Parker) Relating to drivers' licenses and certificates issued by the Department of Public Safety. (31-0) (31-0)

**H.B. 1774** (Brooks) Relating to regulation of health maintenance organizations. (31-0) (31-0)

**H.B. 1822** (Short) Relating to creation and operation of a rural rail transportation district. (31-0) (31-0)

**H.B. 1896** (Traeger) Relating to regulation of the sale and issuance of securities of mutual loan corporations, farmers' cooperative associations, and farmers' cooperative societies. (31-0) (31-0)

**H.B. 1922** (Ogg) Relating to the date on which the State and political subdivisions and the State may take notice of a census for purposes of redistricting. (31-0) (31-0)

**H.B. 1931** (Blake) Relating to the deer season in Cherokee County. (31-0) (31-0)

**H.B. 2050** (Brooks) Relating to general provisions for the issuance of bonds. (31-0) (31-0)

**H.B. 2053** (Harris) Relating to the authority of the Board of Regents of the University of Texas System to transfer certain medical equipment to public or nonprofit hospitals. (31-0) (31-0)

**H.B. 2094** (Doggett) Relating to the legal transfer of certain assets to designated representatives or trustees. (31-0) (31-0)

**H.B. 2300** (Brown) Creating the Dickinson Bayou Watershed Drainage District. (31-0) (31-0)

Senator Brown offered the following committee amendment to the bill:

Amend House Bill 2300, Section 41(b), Page 14, Line 27: Between the words 'structure' and 'after' insert the word 'constructed'.

The committee amendment was read and was adopted.

Senator Brown offered the following committee amendment to the bill:

Amend **H.B. 2300** by striking Section 3 and substituting the following:

**SECTION 3. BOUNDARIES OF DISTRICT.** The district includes the Galveston County Drainage District No. 1 and all of the territory wholly located within Galveston County that is within the boundaries designated on the official map and in the material relating to the district filed with the department.

The committee amendment was read and was adopted.

Senator Brown offered the following committee amendment to the bill:

Amend H.B. 2300 as follows:

(1) Strike Section 4 and substitute the following:

SECTION 4. CONFIRMATION ELECTION. (a) On the effective date of this Act, the following persons shall constitute the temporary board of directors for the district:

1. Arthur Autry
2. Dean Britton
3. George Pearson
4. Bob Holly
5. Gwen Neugent

If a vacancy occurs on the temporary board of directors, the remaining members of the board shall fill the vacancy.

(b) The temporary board shall call an election to be held on November 3, 1981, within the boundaries of the proposed district to determine if the proposed district will be created and boundaries of existing drainage districts changed or existing drainage districts dissolved.

(c) Notice of the confirmation election shall state the day and places for holding the election and the proposition to be voted on. The temporary board shall publish the notice at least once in a newspaper of general circulation in the proposed district. The notice must be published at least 30 days before the date set for the election.

(d) The ballots for the election shall be printed to provide for voting for or against the proposition: "The creation of the Dickinson Bayou Watershed Drainage District and change of boundaries or dissolution of drainage districts within the boundaries of the proposed district."

(e) Immediately after the confirmation election, the presiding judge of each polling place shall make returns of the result to the temporary board, and the temporary board shall canvass the returns and declare the result.

(f) If a majority of the votes cast at the election favor the creation of the district, the temporary board shall declare the district created and shall enter the results in its minutes. If a majority of the votes cast at the election are against the creation of the district, the temporary board shall declare that the district was defeated and shall enter the results in its minutes. The temporary board shall also file a copy of the election results with the department.

(g) If a majority of the voters at the election approve the creation of the district, the temporary board shall become the regular board of directors and shall serve until the directors' election in November, 1982.

(h) If a majority of the voters at the election vote against the creation of the district, another election to confirm creation of the district may not be called and held by the temporary board for at least 18 months following the most recent confirmation election. If the district is not created within five years after adoption of this Act, this Act expires.

(2) Strike Section 7 and substitute the following:

SECTION 7. TERM OF OFFICE. Except for the initial regular directors under Section 4 of this Act and directors covered by Section 8 of this Act, a director shall hold office for a term of two years and until his successor is elected and has qualified.

The committee amendment was read and was adopted.

On motion of Senator Brown and by unanimous consent, the caption was amended to conform to the body of the bill as amended.

**H.B. 510** (Brooks) Relating to the election of members of the board of trustees of certain school districts from single-member trustee districts. (30-1) Mengden "Nay" (30-1) Mengden "Nay"

Senator Brooks offered the following committee amendment to the bill:

Amend **H.B. 510** by striking Section 2 and substituting the following:

SECTION 2. Sections 3(a) and (b), Chapter 339, Acts of the 52nd Legislature, 1951, as amended (Article 2774b, Vernon's Texas Civil Statutes), are amended to read as follows:

(a) Before October 1, 1981 ~~[1975]~~, the Board of Trustees shall divide the school district into nine ~~[seven]~~ compact trustee districts. Each trustee district shall contain as nearly as possible the same number of residents as determined by the last preceding federal census. The board shall redivide the district into nine trustee districts within six months following the publication of each succeeding federal census. At the 1981 election, trustees shall be elected from the four numbered trustee districts scheduled for election that year under prior law and from two new districts created by the expansion from seven to nine members. Prior to that election, the board of trustees shall draw lots so that one trustee elected from a new district shall serve for a term of four years and the other trustee elected from a new district shall serve for a term of two years. [At the trustee elections held in 1975, three positions will be vacant from the members whose terms expire at the end of December, 1975. After the division of the school district into seven trustee districts, the board shall direct that three of the seven districts be drawn by lot to be filled at the trustee election in 1975. Those four districts not drawn in 1975 shall be filled at the trustee election in 1977.] Thereafter, [three or] four or five members shall be chosen biennially for terms of four years[, except at an election held immediately following the redistricting of the district into new trustee districts. Following each decennial redistricting, all positions on the board shall be filled]. Except as provided by Subsection (b) of this section, a change in district boundaries occurring as a result of redistricting, including redistricting for 1981, does not affect the term of office of trustees serving on the date of the election for which the change is effective, and each trustee is entitled to serve for the remainder of the four-year term to which he was elected in 1979 or in a subsequent election.

(b) Residence within the trustee district that a candidate seeks to represent is a prerequisite to filing for the office. If a trustee fails to establish his residence within the district that he represents, or if a trustee moves his residence out of the district that he represents during his term of office, the office shall be declared vacant. The remaining members of the board shall select a suitable person residing in the applicable district to fill the vacancy until the next regular trustee election. The trustee elected shall serve for the unexpired term of the vacating trustee or for a full term if the vacating trustee's term has expired. If a change in district boundaries occurring as a result of redistricting places the residence of a trustee whose office is not next up for election outside the numbered district for which he was elected and the trustee fails to move his residence within the new boundaries of that numbered district before the 45th day preceding the date of the first election for which the boundary changes are effective, the office shall be declared vacant and shall be filled at that election.

The committee amendment was read and was adopted.

**RECORD OF VOTE**

Senator Mengden asked to be recorded as voting "Nay" on the adoption of the amendment.

On motion of Senator Brooks and by unanimous consent, the caption was amended to conform to the body of the bill as amended.

**H.B. 717** (Parker) Relating to criminal trespass. (31-0) (31-0)

**H.B. 1161** (Harris) Relating to the regulation of fireworks displays. (31-0) (31-0)

**H.B. 1374** (Parker) Relating to validation of the incorporation, boundaries, and governmental proceedings of general law municipalities. (30-1) Mauzy "Nay" (30-1) Mauzy "Nay"

Senator Parker offered the following committee amendment to the bill:

Amend House Bill 1374 as follows:

In Section 1., the first sentence, after the words "The incorporation proceedings of all cities and towns" and before the word "incorporated", insert the word "initially", and strike the words "before the effective date of this Act" and substitute therefor the words "after 1950".

In Section 2., after the words "The boundary lines of", strike the word "the" and substitute therefor the word "such".

In Section 3., after the words "All governmental proceedings performed by the governing bodies of", strike the word "the" and substitute therefor the word "such"

The committee amendment was read and was adopted.

On motion of Senator Parker and by unanimous consent, the caption was amended to conform to the body of the bill as amended.

**H.B. 1586** (Brooks) Relating to vacancies on the board of trustees of an independent school district. (31-0) (31-0)

Senator Brooks offered the following committee amendment to the bill:

Amend House Bill 1586 by striking SECTION 1 (a) and substituting the following in lieu thereof:

(a) If a vacancy occurs in the board of trustees, and less than nine months remain in the term, the remaining members of the board of trustees shall fill the vacancy by appointment for the remainder of the unexpired term. If more than nine months remain in the term, the board of trustees shall call a special election on a date authorized by law to elect a replacement to serve out the remainder of the unexpired term.

The committee amendment was read and was adopted.

On motion of Senator Brooks and by unanimous consent, the caption was amended to conform to the body of the bill as amended.



**H.B. 1752** (Traeger) Relating to access by school districts to police records of applicants for employment. (31-0) (31-0)

**H.B. 1786** (McKnight) Relating to restrictions on municipalities paying group insurance premiums for dependents. (31-0) (31-0)

**H.B. 1895** (Howard) Relating to the place that the Court of Appeals for the Sixth Supreme Judicial District transacts business. (31-0) (31-0)

**H.B. 2100** (Howard) Relating to conducting an election in Harrison County permitting voters to decide the method of county road administration in Harrison County. (31-0) (31-0)

**H.B. 2337** (Farabee) Relating to the combination of the offices of district clerk and county clerk in certain counties. (31-0) (31-0)

**H.B. 2368** (Traeger) Relating to the requirement that counties and cities submit certain contracts to competitive bidding. (31-0) (31-0)

Senator Traeger offered the following committee amendment to the bill:

Amend **H.B. 2368** by striking all below the enacting clause and substituting the following:

SECTION 1. Section 2, Bond and Warrant Law of 1931 (Article 2368a, Vernon's Texas Civil Statutes) is revised to read as follows:

Sec. 2. (a) No county, acting through its Commissioners Court, and no city in this state shall hereafter make any contract calling for or requiring an expenditure or payment in an amount exceeding five thousand dollars (\$5,000.00) ~~(set forth in Subsection (b) of this section)~~ out of any fund or funds of any city or county or subdivision of any county creating or imposing an obligation or liability of any nature or character upon such county or any subdivision of such county, or upon such city, without first submitting such proposed contract to competitive bids.

~~((b) The amount of money requiring competitive bidding under Subsection (a) of this section is:~~

~~(1) more than Three Thousand Dollars (\$3,000.00) for any city with a population of less than eighty thousand (80,000), according to the most recent federal census, or any county or subdivision of a county; or~~

~~(2) more than Five Thousand Dollars (\$5,000.00) for any city with a population of eighty thousand (80,000) or more, according to the most recent federal census.)~~

(c) Notice of the time and place when and where such contracts shall be let shall be published in such county (if concerning a county contract or contracts for such subdivision of such county) and in such city, (if concerning a city contract), once a week for two (2) consecutive weeks prior to the time set for letting such contract, the date of the first publication to be at least fourteen (14) days prior to the date set for letting said contract; and said contract shall be let to the lowest responsible bidder. The court and/or governing body shall have the right to reject any and all bids, and if the contract is for the construction of public works, then the successful bidder shall be required to give a good and sufficient bond in the full amount of the contract price, for the faithful performance of such contract, executed by some surety company authorized to do business in this state in accordance with the provisions of Article 5160, Revised Statutes of 1925, and the amendments thereto. However, the city or

county in making any contract calling for or requiring the expenditure or payment of less than Fifty Thousand Dollars (\$50,000.00) may, in lieu of the bond requirement, provide in the contract that no money will be paid to the contractor until completion and acceptance of the work by the city or county. If there is no newspaper published in such county, the notice of the letting of such contract by such county shall be given by causing notice thereof to be posted at the County Court House door for fourteen (14) days prior to the time of letting such contract. If there is no newspaper published in such city, then the notice of letting such contract shall be given by causing notice thereof to be posted at the City Hall for fourteen (14) days prior to the time of letting such contract. Provided, that in case of public calamity, where it becomes necessary to act at once to appropriate money to relieve the necessity of the citizens, or to preserve the property of such county, subdivision, or city, or when it is necessary to preserve or protect the public health of the citizens of such county or city, or in case of unforeseen damage to public property, machinery or equipment, this provision shall not apply; and provided further, as to contracts for personal or professional services; work done by such county or city and paid for by the day, as such work progresses; and the purchase of land and right-of-way for authorized needs and purposes, the provisions hereof requiring competitive bids shall not apply and in such cases the notice herein provided shall be given but only with respect to an intention to issue time warrants with right of referendum as contemplated in Sections 3 and 4 hereof respectively.

(d) Provisions in reference to notice to bidders, advertisement thereof, requirements as to the taking of sealed bids based upon specifications for public improvements or purchases, and the manner of letting of contracts, as contained in the charter of a city, if in conflict with the provisions of this Act, shall be followed in such city notwithstanding any other provisions of this Act. The provisions of this Act and of Article 5160, Revised Statutes of 1925, as amended, relating to the furnishing of surety bonds by contractors may be adopted by ordinance of the governing body of a city, notwithstanding conflicting city charter provisions.

(e) Any and all such contracts or agreements hereunder made by any county or city in this state, without complying with the terms of this section, shall be void and shall not be enforceable in any court of this state and the performance of same and the payment of any money thereunder may be enjoined by any property taxpaying citizen of such county or city.

SECTION 2. The importance of this legislation and the crowded condition of the calendars in both houses create an emergency and an imperative public necessity that the constitutional rule requiring bills to be read on three several days in each house be suspended, and this rule is hereby suspended, and that this Act take effect and be in force from and after its passage, and it is so enacted.

The committee amendment was read and was adopted.

On motion of Senator Traeger and by unanimous consent, the caption was amended to conform to the body of the bill as amended.

**S.B. 448** (Mengden) Relating to commercial shrimping. (31-0) (31-0)

Senator Mengden offered the following committee amendment to the bill:

Amend **S.B. 448** as follows:

- (1) Substitute the word "an" for "a" on page 1, line 9.
- (2) Insert the word "affirmative" before "defense" on page 1, line 2.

The committee amendment was read and was adopted.

On motion of Senator Mengden and by unanimous consent, the caption was amended to conform to the body of the bill as amended.

**S.B. 971** (Brown) Relating to the issuance of a commercial fishing boat license and a commercial shrimp boat license. (31-0) (31-0)

**S.B. 1258** (Brown) Relating to postponement of certain elections because of a disaster emergency. (31-0) (31-0)

**H.B. 228** (Leedom) Relating to the location of the meetings of the Metric System Advisory Council. (31-0) (31-0)

**H.B. 591** (Sarpalius) Repealing the requirements for notice of work performed by and bonding of nonresident construction contractors. (31-0) (31-0)

**H.B. 749** (Harris) Relating to liability of real property owners to their recreational licensees. (31-0) (31-0)

**H.B. 848** (Jones) Relating to restrictions on leases of land purchased from the Veterans Land Program. (31-0) (31-0)

**H.B. 1291** (McKnight) Relating to the regulation of irrigators and installers of irrigation systems. (31-0) (31-0)

**H.B. 1453** (Sarpalius) Relating to the administration of the produce recovery fund. (31-0) (31-0)

**H.B. 1735** (McKnight) Relating to the qualifications of directors of State banks. (31-0) (31-0)

**H.B. 2099** (Andujar) Relating to the sale by certain cities of a coliseum or stadium acquired. (31-0) (31-0)

**H.B. 430** (Blake) Relating to the requirement of a finfish fisherman's license for saltwater fishing. (31-0) (31-0)

**H.B. 2089** (Blake) Relating to licensing of labor agents. (31-0) (31-0)

**H.B. 2294** (Blake) Relating to the membership of the juvenile board and the duties of the county and district attorneys in Anderson and Henderson Counties. (31-0) (31-0)

**H.C.R. 60** (Mauzy) Granting Hunt Electronics permission to sue the State of Texas. (vv)

**H.B. 1497** (Caperton) Relating to the deposit of prepaid funeral funds in a trust company. (31-0) (31-0)

**H.C.R. 23** (Jones) Directing State Board of Education to contract for a study of certain issues concerning vocational-occupational education. (vv)